

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

V.

**JOSHUA M. WILDENRADT,
ROBERT D. BRYAN, and
RUSSELL HARRIS,**

Defendants.

8:14CR54

ORDER

This matter is before the court on the motion to continue by defendant Joshua M. Wildenradt (Wildenradt) (Filing No. 93). Wildenradt seeks a continuance of the trial scheduled for November 10, 2014. Wildenradt has submitted an affidavit in accordance with paragraph 9 of the progression order whereby Wildenradt consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 94). Wildenradt's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted, **and trial will be continued as to all defendants.**

IT IS ORDERED:

1. Wildenradt's motion to continue trial (Filing No. 93) is granted.
2. **Trial of this matter as to all defendants** is re-scheduled for **January 5, 2015**, before Senior Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **October 31, 2014, and January 5, 2015**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 31st day of October, 2014.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge